

Assembly Bill No. 2349

CHAPTER 147

An act to amend Section 9166 of the Food and Agricultural Code, relating to animals.

[Approved by Governor July 18, 2008. Filed with
Secretary of State July 18, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2349, Fuller. Diseased animals and poultry: violations and penalties: administrative penalty.

Existing law provides for the regulation of animals and pests for the prevention and control of disease. Existing law also makes specified actions unlawful and subject to investigation by the Secretary of Food and Agriculture.

Existing law provides that any person who violates the provisions of law or regulations relating to diseased animals and poultry is liable for a civil penalty of not more than \$500 for each violation.

This bill would instead provide that, in addition to any other penalty or fine prescribed by law, any person who violates that law, is subject to an administrative penalty of not less than \$100 or more than \$1,000 for each violation. The bill would provide that if the secretary finds that a violation has occurred, he or she shall give the person charged notice of the nature of the violation and an opportunity to be heard pursuant to specified administrative adjudication provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 9166 of the Food and Agricultural Code is amended to read:

9166. (a) In addition to any other penalty or fine prescribed by law, any person who violates any provision of this division, or any regulation which is issued pursuant to this division, is subject to an administrative penalty of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) for each violation. Each violation during any day constitutes a separate offense. Any money that is recovered under this section shall be paid into the State Treasury and shall be credited to the Department of Food and Agriculture Fund.

(b) If the secretary finds that a violation has occurred, the person charged shall receive notice of the nature of the violation, and shall be given an opportunity to be heard in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code,

except that informal hearing procedures may not be used under the circumstances described in subdivision (a) or (b) of Section 11445.20 of the Government Code.